

1 Adopted: February 15, 2017
2 Effective: March 13, 2017

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington
6

7 AMENDED ORDINANCE NO. 17-006
8

9 RELATING TO GROWTH MANAGEMENT; REVISING REGULATIONS FOR MARIJUANA
10 RETAIL FACILITIES LICENSED UNDER STATE LAW; REPEALING EMERGENCY
11 ORDINANCES 16-051 AND 16-123; AMENDING CHAPTERS 30.22, 30.28, 30.34A OF THE
12 SNOHOMISH COUNTY CODE
13

14 WHEREAS, Initiative 502 was passed by the voters of the State of Washington in
15 November 2012, providing a framework under which marijuana producers, processors, and
16 retailers can become licensed by the State of Washington; and
17

18 WHEREAS, Article XI, Section 11 of the Washington Constitution provides that any
19 county may "make and enforce within its limits all such local police, sanitary and other
20 regulations as are not in conflict with general laws," which grants counties jurisdiction over land
21 use issues like zoning; and
22

23 WHEREAS, the Snohomish County Council ("County Council") first adopted land-use
24 regulations for state-licensed marijuana facilities in Amended Ordinance No. 13-086 effective
25 November 28, 2013; and
26

27 WHEREAS, the County Council amended regulations for state-licensed marijuana
28 facilities in Amended Ordinance No. 15-009 effective June 15, 2015; and
29

30 WHEREAS, the Washington State Legislature enacted the Cannabis Patient Protection
31 Act on April 24, 2015 (Laws of 2015, ch. 70), revising state law concerning medical and
32 recreational marijuana in chapters 69.50 and 69.51A RCW; and
33

34 WHEREAS, following an analysis estimating the size of the medical cannabis
35 marketplace in Washington State, the Washington State Liquor and Cannabis Board (WSLCB)
36 increased the allocation of retail licenses in unincorporated Snohomish County from 16 to 32;
37 and
38

39 WHEREAS, the WSLCB has continued to review applications and issue licenses for
40 marijuana retail facilities in unincorporated Snohomish County; and
41

42 WHEREAS, in response to concerns about negative impacts to communities resulting
43 from clusters of multiple state-licensed marijuana retail facilities located in close proximity to
44 each other, the County Council enacted, by Emergency Ordinance No. 16-051, an interim
45 official control under RCW 36.70A.390 removing the marijuana retail use as a permitted use in
46 all zones on June 22, 2016; and
47

48 WHEREAS, the County Council conducted a public hearing on Emergency Ordinance
49 No. 16-051 on August 10, 2016; and
50

1 WHEREAS, the County Council referred several potential options for permanent
2 regulations on marijuana retail uses to the Snohomish County Planning Commission ("Planning
3 Commission") for review and recommendation; and
4

5 WHEREAS, the Planning Commission was briefed by county staff on August 23, 2016
6 and September 27, 2016, and held a public hearing on September 27, 2016; and
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8 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
9 commission deliberated on the several options and was unable to provide a recommendation as
10 shown in its recommendation letter dated September 28, 2016 and received by the County
11 Council on October 19, 2016; and
12

13 WHEREAS, with no recommendation available from the Planning Commission, the
14 matter of marijuana retail regulations was transmitted back to the County Council without a
15 proposed ordinance; and
16

17 WHEREAS, the County Council has discussed marijuana retail regulations on July 5,
18 2016, and August 2, 2016, and held a public hearing on August 10, 2016; and
19

20 WHEREAS, on December 14, 2016, the County Council adopted Emergency Ordinance
21 No. 16-123, extending the interim official control removing marijuana retail uses as a permitted
22 use in all zones for three additional months, to March 14, 2017;
23

24 NOW, THEREFORE, BE IT ORDAINED:
25

26 Section 1. The County Council adopts the following findings in support of this ordinance:
27

- 28 A. The foregoing recitals are adopted as findings as if set forth in full herein.
29
- 30 B. This ordinance will amend title 30 SCC to revise regulations addressing the marijuana retail
31 use as defined in the County Code. The proposed amendments seek to address community
32 concerns about negative impacts from clusters of state-licensed marijuana retail facilities,
33 provide opportunities for public input into permit applications for new marijuana retail uses,
34 and provide an opportunity for the county to establish conditions and regulations that are
35 tailored to the particular circumstances of each site.
36
- 37 C. In developing the proposed code amendments, the County Council considered the goals of
38 the Growth Management Act (GMA), ch 36.70A RCW, the region's Multicounty Planning
39 Policies, the Snohomish County Countywide Planning Policies, and the Snohomish County
40 Comprehensive Plan, and finds the amendments in this ordinance to be consistent with
41 each.
42
- 43 1. Goal Economic Development (ED) 1: "Maintain and enhance a healthy economy."
44
- 45 2. Objective ED 2.A: "Develop and maintain a regulatory system that is fair,
46 understandable, coordinated and timely."
47
- 48 3. ED Policy 2.A.1: "Snohomish County shall work to ensure that the Snohomish
49 County Code is an understandable, accessible, and user friendly document."
50

4. ED Policy 2.A.2: "Snohomish County should stress predictability but maintain enough flexibility in the Comprehensive Plan and development codes to allow for timely response to unanticipated and desirable developments."

D. Procedural requirements.

1. The proposal is a Type 3 legislative action under SCC 30.73.010.
2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt the proposed amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on September 20, 2016.
3. State Environmental Policy Act (SEPA), ch. 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on January 23, 2017.
4. The public participation process used in the adoption of the proposed amendments has complied with all applicable requirements of the Growth Management Act and the Snohomish County Code.
5. As required by RCW 36.70A.370, the Washington State Attorney General last issued an advisory memorandum in December of 2015 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property" to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General's 2015 advisory memorandum was used by the county in objectively evaluating the regulatory changes by this ordinance.

E. The proposed amendments are consistent with the record.

F. State-licensed marijuana retail facilities have located within unincorporated Snohomish County in a pattern that has generated concerns among residents and business owners about the adverse impacts that clusters of state-licensed marijuana retail facilities can have on a community.

G. The County Council has received testimony about negative impacts, including litter, suspicious behavior, burglary, and loitering, to businesses and neighborhoods potentially resulting from clusters of state-licensed marijuana retail facilities.

H. Regulations imposed by some cities in southwest Snohomish County, including prohibition of marijuana retail uses in Lynnwood and Mill Creek and a limit on the number of retail facilities allowed in Everett, has led to a distorted market for state-licensed marijuana retail facilities and encouraged excessive clustering in unincorporated areas near those cities.

I. State and Snohomish County regulations restricting the siting of state-licensed marijuana retail facilities near certain sensitive uses limits the number of sites available to and suitable for locating state licensed marijuana retail facilities and contributes to excessive clustering in unincorporated areas of the county.

J. Separation of marijuana retail uses is intended to limit excessive clustering of state-licensed marijuana retail facilities and to provide more balanced access to marijuana retail throughout

1 the county. Balanced access is intended to provide access for patients needing medical
2 marijuana. Balanced access is also intended to help supplant the illicit market for
3 recreational marijuana, which was estimated (with substantial uncertainty) to represent \$390
4 million in annual sales statewide in 2015 – or about \$44 million in annual illicit sales in
5 Snohomish County based on the county's proportion of statewide past-month marijuana
6 users based on BOTEC Analysis Reports available through WSLCB.
7

- 8 K. A distance of two thousand five hundred feet between state-licensed marijuana retail
9 facilities within unincorporated Snohomish County will limit clustering of marijuana retail
10 facilities, encourage dispersion of facilities to areas of the county lacking access, and will
11 maintain the ability for the county to accommodate the current allocation of retail licenses
12 from WSLCB.
13
- 14 L. State law prohibits the licensing of retail marijuana facilities within one thousand feet of the
15 perimeter of the grounds of any elementary or secondary school. However, state law does
16 not address the siting or licensing of retail marijuana facilities near locations where
17 elementary or secondary schools are planned and identified for construction in the near term
18 (within six years) but not yet open.
19
- 20 M. The County Council intends to prevent a retail marijuana use from establishing within one
21 thousand feet of a planned school and continuing to operate as a legal non-conforming use
22 after the school is built and minors begin to congregate in and frequently travel through the
23 area.
24
- 25 N. A requirement for state-licensed marijuana retail facilities to obtain a conditional use permit
26 will ensure that the facility responds appropriately to the existing or intended character,
27 appearance, quality of development, and physical characteristics of the site and surrounding
28 property. This process also enables residents and members of the surrounding community
29 to provide input on any issues related to the proposed use and provides an opportunity for
30 the county to establish conditions, such as visual screening, signage regulations, hours of
31 operation, or vehicular circulation that respond to the circumstances of each site and
32 maintain compatibility with neighboring uses.
33
- 34 O. A limit of 32 marijuana retail facilities within unincorporated Snohomish County addresses
35 the potential that WSLCB may increase the allocation of marijuana retail licenses for
36 Snohomish County at-large in the future. Licensing of additional stores beyond 32 would
37 require approval by the County Council through an ordinance amending the limit. This
38 process also provides the county with an opportunity to evaluate potential impacts of
39 additional state-licensed marijuana retail facilities and, if necessary, develop appropriate
40 regulations should the WSLCB increase the allocation of licenses to Snohomish County at-
41 large. This limit only applies to unincorporated portions of the county and does not affect the
42 siting of state-licensed marijuana retail facilities within any city, including the nine smaller
43 cities that share the at-large state marijuana retail license allocation with unincorporated
44 Snohomish County.
45
- 46 P. The county council intends to exempt retail marijuana uses from the separation
47 requirements adopted by this ordinance if the county received a Notice of Marijuana License
48 Application from the Washington State Liquor and Cannabis Board before Emergency
49 Ordinance 16-051, which enacted a moratorium on new retail marijuana uses, was passed,
50 the county did not object to the application, and the Washington State Liquor and Cannabis

1 Board issued a marijuana retail license for that application. However, this exemption is not
2 intended to be applicable to businesses that did not abide by the moratorium enacted by
3 Emergency Ordinance 16-051, which was effective between June 22, 2016 and the effective
4 date of Ordinance 17-006.

5
6 Q. The county council intends to exempt retail marijuana uses from the separation
7 requirements adopted by this ordinance if the applicant had previously operated a medical
8 marijuana collective pursuant to RCW 69.51A.085 and purchased real property with the
9 intent of establishing a retail marijuana use before Emergency Ordinance 16-051, which
10 enacted a moratorium on new retail marijuana uses, was passed. However, this exemption
11 is not intended to apply to businesses that did not abide by the moratorium enacted by
12 Emergency Ordinance 16-051, which was effective between June 22, 2016 and the effective
13 date of Ordinance 17-006.

14
15 Section 2. The County Council makes the following conclusions:

- 16
17 1. The proposal is consistent with the goals, objectives, and policies of the Snohomish
18 County Comprehensive Plan.
19
20 2. The proposal is consistent with Washington State law and the Snohomish County Code.
21
22 3. The County has complied with all SEPA requirements with respect to this non-project
23 action.
24
25 4. The regulations proposed by this ordinance do not result in an unconstitutional taking of
26 private property for a public purpose.
27

28 Section 3. The County Council bases its findings and conclusions on the entire record of
29 the County Council, including all testimony and exhibits. Any finding, which should be deemed
30 a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as
31 such.

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33 Section 4. Emergency Ordinance 16-051 is repealed.

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35 Section 5. Emergency Ordinance 16-123 is repealed.
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Section 6. Snohomish County Code Section 30.22.100, last amended by Emergency Ord. 16-123, Dec. 14, 2016, Eff. Date Dec. 14, 2016, is amended to read:

30.22.100 Urban Zone Categories: Use Matrix

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Accessory Apartment ⁶²	A	A	A	A	A	A	A		A	A							
Adult Entertainment Business/Use ⁶⁷												P		P	P		
Agriculture ^{41, 107}	P	P	P		P	P	P		P	P		P	P	P	P	P	
Airport, Stage 1 Utility ¹	C	C	C						P	P		P	P	P	P		
Airport-All Others												P	P	P	P		
Amusement Facility ^{41, 129}								P	P	P		P		P	P		P
Antique Shop							P		P	P				P	P		P
Art Gallery ⁴¹	C	C	C		C	C	P	P	P	P		P	P	P	P		P
Asphalt Batch Plant & Continuous Mix Asphalt Plant												P			P		
Auto Repair, Major										P		P	P	P	P		P
Auto Repair, Minor							P	P	P ⁸⁶	P	P	P	P	P	P		P
Auto Towing														P	P		
Auto Wrecking Yard														C ⁴⁴	P ⁴⁴		
Bakery							P ⁶⁹	P	P	P		P	P	P	P		P
Bed and Breakfast Guesthouse ⁵⁸	C	C	C	C	C	C										C	
Billboards ⁴⁶																	
Non-digital										P				P	P		
Digital										P				P	P		

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Boarding House	p ¹⁵	p ¹⁵	p ¹⁵		P	P	P		P	P						P	P
Boat Launch, Commercial ³¹									C	C				C	C		P
Boat Launch, Non-commercial ³¹	C	C	C		C	C			C	C				C	C		
Boat Sales										P				P	P		
Caretaker's Quarters												P	P	P	P		
Cemetery, Columbarium, Crematorium, Mausoleum ⁴¹	C	C	C		C	C			P	P		P	P	P	P		P
Church ^{41, 129}	C	C	C		P	P	P	P	P	P		P	P	P	P		P
Cleaning Establishment							P	P	P	P		P	P	P	P		P
Clubhouse					C	C	C	P	P	P		P	P	P	P	P	P
Cold Storage										P		P	P	P	P		
Commercial Vehicle Storage Facility										P		P	P	P	P		
Community Club	C	C	C		C	C	C		P	P		P	P	P	P	P	P
Community Facilities for Juveniles ¹⁰³																	
1 to 8 Resident Facility	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
9 to 24 Resident Facility	S	S	S	S	S	P	P	P	P	P		P	P	P	P	P	P
Construction Contracting										P		P	P	P	P		p ¹²³
Country Club	C	C	C									P	P	P	P		P
Craft Shop ²¹									p ⁸⁶	P		P	P	P	P		P
Day Care Center ^{2, 129}	C	C	C		C	C	P	P	P	P	P	P	P	P	P	A	P
Department Store								P	p ⁸⁶	P				P	P		P
Distillation of Alcohol												P	P	P	P		P

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Distillation of Wood, Coal, Bones or Manufacturing of Their By-products												P			P		
Dock & Boathouse, Private, Non-commercial ^{3, 41}	P	P	P	P	P	P	P		P	P		P	P	P	P		
Drug Store							P	P	P	P	p ²²			P	P		P
Dwelling, Attached Single Family	P	P	P	P	P	P	P	P	P	P							
Dwelling, Cottage Housing ¹¹⁶	A	A	A	A	A												
Dwelling, Duplex	P	P	P	P	P	P	P		P	P							
Dwelling, Mobile Home	p ⁶	p ⁶	p ⁶	p ⁶	P	P	p ⁶		p ⁶	p ⁶						P	
Dwelling, Multifamily					P	P	P	P	P	P			p ⁵¹				P
Dwelling, Single Family	P	P	P	P	P	P	P	p ⁴	P	P			p ⁵¹			p ⁴	
Dwelling, Townhouse ⁵			A	P	P	P	P	P	P	P							P
Electric Vehicle Infrastructure																	
Electric Vehicle Charging Station - Restricted, Level 1, and Level 2 ¹²¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric Vehicle Charging Station - Public, Level 1 and Level 2							P	P	P	P	P	P	P	P	P		P
Electric Vehicle Charging Station, Level 3	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	P	P	P	P	P	P	P	P	P		P
Battery Exchange Stations	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	P	P	P	P	P	P	P	P	P		P
Explosives, Manufacturing												P			P		
Explosives, Storage												P			P		
Extraction of Animal or Fish Fat or Oil												P			P		
Fabrication Shop										P		P	P	P	P		p ¹²³

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Fairgrounds										P		P	P	P	P		
Fallout Shelter, Individual	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Fallout Shelter, Joint ⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Family Day Care Home ⁸	P	P	P	P	P	P	P		P	P						P	
Farm Product Processing Up to 5,000 sq ft Over 5,000 sq ft ⁹⁴									P A	P P				P P	P P		
Farm Stand Up to 400 sq ft ⁹ 401 to 5,000 sq ft ⁹⁹	P	P	P						P	P				P	P		P
Farmers Market ⁹³										P			P	P	P		P
Financial Institutions							P	P	P	P		P	P	P	P		P
Fish Farm												P	P	P	P		
Fix-it Shop								P	P ⁸⁶	P		P	P	P	P		P
Forestry												P		P	P		
Forge, Foundry, Blast Furnace for Melting of Ore															P		
Foster Home	P	P	P	P	P	P	P		P	P						P	
Fuel & Coal Yard										P		P	P	P	P		
Garage, Detached Private Accessory ⁶⁰ Up to 2,400 sq ft 2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59} 2,401 - 4,000 sq ft on Less than 3 Acres ^{41, 59}	P P A	P P A	P P A	P P A	P P A	P P A	P P A	P P A	P P A	P P A		P P A	P P A	P P A	P P A	P	

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
4,001 sq ft and Greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C		C	C	C	C		
Garage, Detached Private Non-accessory ⁶⁰																	
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Golf Course and Driving Range	C	C	C						P	P		P	P	P	P		
Government Structures & Facilities ^{27, 41}	C	C	C	C	C	C	C	P	P	P		P	P	P	P		P
Greenhouse, Lath House, & Nurseries: ⁵² Retail							P	P	P	P				P	P		
Greenhouse, Lath House, & Nurseries: ⁵² Wholesale							P	P	P	P		P	P	P	P		
Grocery Store							P	P	p ⁸⁶	P	p ²²			P	P		P
Grooming Parlor							P	P	P	P			p ⁵³	P	P		P
Guesthouse ⁸⁵	P	P	P		P	P	P	P	P	P						P	
Gymnasium								P	P	P		P	P	P	P		P
Hardware Store							P	P	P	P				P	P		P
Hazardous Waste Storage & Treatment Facilities, Offsite ⁶⁶												C	C	C	C		
Hazardous Waste Storage & Treatment Facilities, Onsite ⁶⁵							P	P	P	P	P	P	P	P	P		
Health and Social Service Facility ⁹⁰																	
Level I	P	P	P	P	P	P	P	P	P	P			P			P	P
Level II ^{41, 129}	C	C	C		C	C	C	P	P	P			P			C	P
Level III						C	C	P	P	P		P		P	P	C	P
Home Improvement Center							P	P	p ⁸⁶	P				P	P		P
Home Occupation ¹¹	P	P	P	P	P	P	P		P	P						P	P

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Hotel/Motel					C	C		P	P	P	P			P ⁸⁹			P
Junkyard														C ⁴⁴	P ⁴⁴		
Kennel, ⁴¹ Commercial ¹²	C	C	C						P	P		P	P	P	P		
Kennel, ⁴¹ Private-Breeding ¹³	P	P	P		P	P	P		P	P		P	P	P	P		
Kennel, ⁴¹ Private-Non-Breeding ¹³	P	P	P		P	P	P		P	P		P					
Laboratory										P		P	P	P	P		P
Library ⁴¹	C	C	C		C	C	C	P	P	P		P	P	P	P		P
Licensed Practitioner ^{29, 41}					C	C	P	P	P	P		P	P	P	P		P
Livestock Auction Facility												P		P	P		
Locksmith							P	P	P ⁸⁶	P		P	P	P	P		P
Lumberyard										P		P	P	P	P		
Manufacturing, Heavy ⁸²												P			P		
Manufacturing-All Other Forms Not Specifically Listed ⁸³												P	P	P	P		P ¹²³
Marijuana Processing ^{125, 131}												P	P	P	P		
Marijuana Production ^{125, 131}												P	P	P	P		
Marijuana Retail ^{131, 132}							C	C	C	C			C	C	C		C
Massage Parlor									P	P		P	P	P	P		P
Medical Clinic ²⁹					C	C	P	P	P	P		P	P	P	P		P
Mini Self-Storage								P		P		P	P	P	P		
Mobile Home Park ³⁸					C	C			C	C						P	
Mobile Home & Travel Trailer Sales										P		C ³⁶		P	P		
Model Hobby Park ⁷⁵													A	A	A		

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Model House/Sales Office	P	P	P	P	P	P	P	P	P	P							P
Mortuary					C	C			P	P		P	P	P	P		P
Motocross Racetrack ¹²⁹										C ¹¹³		C ¹¹³	C ¹¹³	C ¹¹³	C ¹¹³		
Motor Vehicle & Equipment Sales									P ²³	P				P	P		
Museum ⁴¹	C	C	C		C	C	C	P	P	P		P	P	P	P		P
Office, General							P	P	P	P		P	P	P	P		P
Park, Public ¹⁴	P	P	P		P	P	P	P	P	P		P	P	P	P		P
Park-and-Pool Lot	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P
Park-and-Ride Lot	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P
Personal Services Shop							P	P	P ⁸⁶	P		P ⁴⁹	P ⁴⁹	P	P		P
Personal Wireless Communications Facilities ^{27, 41, 104, 105, 106}	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P ¹¹⁹
Pet Shop							P	P	P	P			P ⁵³	P	P		P
Petroleum Products & Gas Storage - Bulk ⁴³										P		P	P	P	P		
Petroleum Refining ⁴³												P					
Print Shop									P ⁸⁶	P		P	P	P	P		P
Printing Plant								P		P		P	P	P	P		P ¹²³
Race Track ^{24, 41, 129}										C		P	P	P	P		
Railroad Right-of-way	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P
Recreational Facility Not Otherwise Listed	C	C	C		C	C	P	P	P	P		P	P	P	P		P
Recreational Vehicle Park									C	C	P					C	
Rendering of Fat, Tallow, or Lard ¹²⁹												P			P		

AMENDED ORDINANCE NO. 17-006

RELATING TO GROWTH MANAGEMENT; REVISING
REGULATIONS FOR MARIJUANA RETAIL FACILITIES
LICENSED UNDER STATE LAW; REPEALING EMERGENCY
ORDINANCES 16-051 AND 16-123; AMENDING CHAPTERS
30.22, 30.28, 30.34A OF THE SNOHOMISH COUNTY CODE

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Restaurant							P	P	P	P	P	P ⁴⁹	P ⁴⁹	P	P		P
Retail Store							P	P	P ⁸⁶	P			P ⁵³	P	P		P
Retirement Apartments				P	P	P	P	P	P	P						P	P
Retirement Housing				P	P	P	P	P	P	P						P	P
Rolling or Blooming Mills												P			P		
Sanitary Landfill ¹²⁹	C	C	C						C	C		C	C	C	C		
Sawmill										P		P	P	P	P		
Schools																	
K-12 & Preschool ^{41, 68, 129}	C	C	C		C	C			P	P		P	P	P	P		P
College ^{41, 68}	C	C	C		C	C			P	P		P	P	P	P		P
Other ^{41, 68}					C	C			P	P		P	P	P	P		P
Second Hand Store									P ⁸⁶	P				P	P		P
Service Station ⁴¹							P	P	P ⁸⁶	P	P			P	P		P
Shake & Shingle Mill										P		P	P	P	P		
Shooting Range ⁹²												P	P	P	P		
Sludge Utilization ³⁹	C ⁵⁶	C ⁵⁶	C ⁵⁶		C ⁵⁶	C ⁵⁶			C ⁵⁶	C ⁵⁶		C ⁵⁶		C ⁵⁶	P		
															C ⁵⁰		
Small Animal Husbandry ⁴¹	C ³⁷	C ³⁷	C ³⁷				P		P	P		P	P	P	P		
Specialty Store							P	P	P ⁸⁶	P				P	P		P
Stables	P	P	P		P	P	P	P	P	P		P	P	P	P		
Stockyard or Slaughter House ¹²⁹												P			P		
Storage, Retail Sales Livestock Feed									P	P				P	P		

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Storage Structure, Accessory ⁶⁰																	
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,401 - 4,000 on Less than 3 acres ^{41, 59}	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
4,001 sq ft and Greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Storage Structure, Non-accessory ⁶⁰																	
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Studio ⁴¹	C ⁷⁷	C ⁷⁷	C ⁷⁷		C ⁷⁷	C ⁷⁷	P	P	P ⁸⁶	P		P	P	P	P		P
Swimming/Wading Pool ^{17, 41}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tannery												P			P		
Tar Distillation or Manufacturing												P			P		
Tavern ⁴¹								P	P	P				P	P		P
Television/Radio Stations														P	P		
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A						A
Temporary Dwelling For Relative ¹⁸	A	A	A	A	A	A	A	A	A	A	A						
Temporary Residential Sales Coach ⁷³	A	A	A														A
Temporary Woodwaste Recycling ⁶³														A	A		
Temporary Woodwaste Storage ⁶³														A	A		
Tire Store							P	P	P ⁸⁶	P				P	P		P

TYPE OF USE	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	FS	IP ⁷⁶	BP	LI ^{55, 76}	HI ⁵⁵	MHP ¹¹⁴	UC ¹²²
Tool Sales & Rental									p ⁸⁶	P				P	P		P
Transit Center	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P
Ultralight Airpark ²⁰												P					
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ^{27, 129}	C	C	C	C	C	C	C	P	p ⁸⁶	P	C	P	P	P	P		
Utility Facilities, Transmission Wires, Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures ^{27, 41}	C	C	C	C	C	C	C	P	p ⁸⁶	P	C	P	P	P	P	C	P
Veterinary Clinic					C	C	P	P	p ⁸⁶	P		P	P	P	P		P
Warehousing										P		P	P	P	P		p ¹²³
Wholesale Establishment								P	p ⁸⁶	P		P	P	P	P		p ¹²³
Woodwaste Recycling ⁵⁷														C	C		
Woodwaste Storage ⁵⁷														C	C		
Yacht/Boat Club												P	P	P	P		P
All other uses not otherwise mentioned												P	P	P	P		

P - Permitted Use	<p>A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.</p>
A - Administrative Conditional Use	
C - Conditional Use	
S - Special Use	

Section 7. Snohomish County Code Section 30.22.110, last amended by Emergency Ord. 16-123, Dec. 14, 2016, Eff. Date Dec. 14, 2016, is amended to read:

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment ⁶²	A	A	A	A				A	A	A	A
Agriculture ⁴¹	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility ¹	C	C	C ¹¹⁵					C			
Antique Shop	C		C ^{45, 115}	p ⁷⁹	P						
Art Gallery ⁴¹	C		C ¹¹⁵	p ⁷⁹	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant											P
Auto Repair, Minor				p ⁷⁸	P	P					
Auto Towing	C		C								
Bakery				p ⁷⁸	P						
Bakery, Farm ⁹⁷	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse ⁵⁸	C		C ¹¹⁵	P				C	C	A	
Bed and Breakfast Inn ⁵⁸	C		C ¹¹⁵	P				C	C	C	
Boarding House	p ¹⁵	p ¹⁵	p ^{15, 115}					p ¹⁵		p ¹⁵	
Boat Launch, Commercial ³¹		C							C		
Boat Launch, Non-commercial ³¹	C		C	C				C	C		
Campground								A ^{32, 127}	C ³²		
Caretaker's Quarters	P		C				P				P
Cemetery, Columbarium, Crematorium, Mausoleum ⁴¹	P		C ¹¹⁵								
Church ^{41, 129}	P		C ¹¹⁵	C	P						

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Cold Storage							P				
Commercial Vehicle Home Basing			C ³³								
Commercial Vehicle Storage Facility				C			P				
Community Club	P		C ¹¹⁵	P	P						
Community Facilities for Juveniles ¹⁰³ 1 to 8 residents 9 to 24 residents			P ^{102, 115}	P	P						
			S ^{103, 115}	P	P						
Construction Contracting				p ^{80, 81}							
Country Club	C		C ¹¹⁵	P							
Craft Shop ²¹				P							
Dams, Power Plants, & Associated Uses									P		
Day Care Center ^{2, 129}	P		C ¹¹⁵	P	P	P					
Distillation of Alcohol	C ³⁴		C ^{34, 115}							C ³⁴	
Dock & Boathouse, Private, Non-commercial ^{3, 41}	P	P	P	P				P	P	P	
Drug Store				p ⁷⁹	P						
Dwelling, Duplex	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P		p ⁶			P	P	P	P
Dwelling, Single Family	P	P	P		P			P	P	P	P
Equestrian Center ^{41, 70, 72}	P	C	C ¹¹⁵					C	P	C ⁷⁰	
Excavation & Processing of Minerals ²⁸	A, C	A, C	A, C				A, C	A, P, C	A, C		A, C
Explosives, Storage	C	C	C				C	P	C		C

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Fabrication Shop							P				
Fallout Shelter, Individual	P	P	P ¹¹⁵	P	P	P	P	P	P	P	P
Fallout Shelter, Joint ⁷	P		P	P	P	P	P	P	P	P	P
Family Day Care Home ^{8, 130}	P		P ¹¹⁵	P	P			P		P	
Farm Product Processing											
Up to 5,000 sq ft	P	P	P ¹¹⁵	P			P	P		P	
Over 5,000 sq ft ⁹⁴	A	A	A ¹¹⁵	A			A	A		A	
Farm Support Business ⁹⁴	A	A	A ¹¹⁵	A			P			A	
Farm Stand											
Up to 400 sq ft ⁹	P	P	P ^{100, 115}	P	P	P	P	P	P	P	P
401 - 5,000 sq ft ^{99, 100}	P	P	P, A ¹⁰⁰	P	P	P	P	P	P	P	
Farm Workers Dwelling										P ¹⁰	
Farmers Market ⁹³	P	P	P ¹⁰¹ A ^{101, 115}	P	P	P	P			P	
Farmland Enterprises ⁹⁵		A	A ¹¹⁵							A	
Fish Farm	P	P	P ¹¹⁵					P	P	P	
Fix-it Shop				P ⁷⁸	P		P				
Forestry	P	P	P				P	P	P	P	P
Forestry Industry Storage & Maintenance Facility	P ³⁰	P					P	P	P		
Foster Home	P	P	P	P				P		P	
Garage, Detached Private Accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on Less than 3 acres ^{41, 59}	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C
Garage, Detached Private Non-accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C
Golf Course and Driving Range ¹³⁰	C		C ¹¹⁵							C ⁷⁴	
Government Structures & Facilities ^{27, 41}	C	C	C ¹¹⁵	C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: ⁵² Retail	P	P	P ¹¹⁵	P	P		P	P		P	
Greenhouse, Lath House, Nurseries: ⁵² Wholesale	P	P	P ¹¹⁵	P	P		P	P		P	
Grocery Store				P ⁸⁰	P	P ⁸⁰					
Grooming Parlor					P						
Guesthouse ⁸⁵	P	P	P	P				P	P	P	
Hardware Store				P ⁸⁰	P						
Hazardous Waste Storage & Treatment Facilities Onsite ⁶⁵	P			P		P	P	P	P		
Health and Social Service Facility ⁹⁰											
Level I	P	P	P ¹¹⁵	P	P			P	P		P
Level II ^{41, 91, 129}			C ¹¹⁵	C							
Level III											
Home Improvement Center				P ⁸⁰	P						
Home Occupation ^{11, 84}	P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴	P			P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴
Homestead Parcel ⁴⁰	C		C ¹¹⁵							C	

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Hotel/Motel				P		P					
Kennel, ⁴¹ Commercial ^{12, 130}	P	P	P ¹¹⁵					P		C	
Kennel, ⁴¹ Private-Breeding ¹³	P	P	P					P		P	
Kennel, ⁴¹ Private-Non-Breeding ¹³	P	P	P	P				P		P	
Kitchen, farm	P	P	P	P			P			P	
Library ⁴¹	C		C ¹¹⁵	P							
Licensed Practitioner ^{29, 41}				p ⁷⁹							
Livestock Auction Facility	C ⁴⁸		C ^{48, 115}		P		P			C ⁴⁸	
Locksmith				P	P						
Log Scaling Station ¹³⁰	C	C	C ¹¹⁵				P	P	P	P	
Lumberyard							P				
Manufacturing - All Other Forms Not Specifically Listed ⁸³				C			C				
Marijuana Processing ^{124, 131}							P			P	
Marijuana Production ^{124, 131}							P			P	
Marijuana Retail ^{131, 132}				C							
Metal Working Shop				p ⁷⁸			P				
Mini-equestrian Center ^{41, 72}	P	P	P ¹¹⁵	P			P	P	P	P ⁷¹	
Model Hobby Park ^{75, 130}			A ¹¹⁵							A	
Model House/Sales Office	P	P	P ¹¹⁵					P	P		
Motocross Racetrack ¹²⁹			C ¹¹³						C ¹¹³		
Motor Vehicle & Equipment Sales					p ²³						

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Museum ^{41, 130}	C		C ¹¹⁵	P						C ⁶¹	
Office, General				P	P						
Off-road vehicle use area, private									C ¹⁰⁹		
Park, Public ^{14, 130}	P	P	P	P	P		P	P	P	P	P
Park-and-Pool Lot				P	P	P	P				
Park-and-Ride Lot	C	C	C	P		P		C	C		
Personal Services Shop				P ⁷⁹	P						
Personal Wireless Communications Facilities ^{27, 41, 104, 105, 106, 130}	C	C	C	C	C	C	C	C	C	C	C
Petroleum Products & Gas Storage - Bulk							P ⁴³				
Print shop				P							
Public Events/Assemblies on Farmland ⁹⁶										P	
Race Track ^{24, 41, 129}			C ¹¹⁵								
Railroad Right-of-way	C	C	C ¹¹⁵		P		P	C	C	C	C
Recreational Facility Not Otherwise Listed ⁹⁸	C		C ¹¹⁵		P		P ⁷⁹	A, C ¹²⁷	A, C ¹²⁷	C	
Recreational Vehicle ¹⁹	P	P	P					P	P	P	
Recreational Vehicle Park									C		
Resort									C		
Restaurant				P ⁸⁰	P	P					
Retail Store				P ⁸⁰	P						
Rural Industries ⁴¹	P ²⁵										
Sanitary Landfill ¹²⁹	C	C	C ¹¹⁵					C			C

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Sawmill	C ²⁶	C ²⁶	C ^{26, 115}				P	P	P		
Schools											
K-12 & Preschool ^{41, 68, 129}	C		C ¹¹⁵	P							
College ^{41, 68}	C		C ¹¹⁵								
Other ^{41, 68}				C			C				
Second Hand Store				p ⁷⁸	P						
Service Station ⁴¹				P	P	P					
Shake & Shingle Mill	C ²⁶	C ²⁶	C ^{26, 115}				P	P			
Shooting Range ⁹²	C	C	C					C			
Sludge Utilization ³⁹	C	C, p ⁵⁰	C ¹¹⁵					C		C	C ⁵⁶
Small Animal Husbandry ⁴¹	P		P		P			P	P	P	P
Specialty Store				p ⁷⁸	P						
Stables	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House ¹²⁹							C ⁴⁸				
Storage, Retail Sales Livestock Feed			p ^{54, 115}	P			P			P	
Storage Structure, Accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P	P	P	P	P	P
2,401 - 4,000 sq ft on Less than 3 acres ^{41, 59}	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C
Storage Structure, Non-accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C
Studio ⁴¹	C ⁷⁷		C ^{77, 115}								
Swimming/Wading Pool ^{17, 41}	P	P	P					P	P	P	P
Tavern ⁴¹				P	P						
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A
Temporary Dwelling For Relative ¹⁸	A	A	A					A	A	A	A
Temporary Logging Crew Quarters								P	P		
Temporary Residential Sales Coach ⁷³	A		A ¹¹⁵								
Temporary Woodwaste Recycling ⁶³	A						A	A			
Temporary Woodwaste Storage ⁶³	A							A			
Tire Store					P						
Tool Sales & Rental				P	P						
Transit Center	C	C	C ¹¹⁵	P		P		C	C		
Ultralight Airpark ²⁰	C	C	C ¹¹⁵					C			
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ^{27, 129}	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities - All Other Structures ^{27, 41, 130}	C	C	C	C	P	C	P	C	C	C	C
Veterinary Clinic	P		C ¹¹⁵	P	P					C	
Wedding Facility ^{87, 130}		P	P ¹¹⁵							P	
Woodwaste Recycling ⁵⁷	C	C	C				C	C			
Woodwaste Storage ⁵⁷	C	C	C				C	C			

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Yacht/Boat Club				P			P				

Section 8. Snohomish County Code Section 30.22.130, last amended by Amended Ord. 16-044, Aug. 31, 2016, Eff. date Sept. 12, 2016, is amended to read:

30.22.130 Reference notes for use matrix.

(1) Airport, Stage 1 Utility:

- (a) Not for commercial use and for use of small private planes;
- (b) In the RU zone, they shall be primarily for the use of the resident property owner; and
- (c) When the airport is included in an airpark, the disclosure requirements of SCC 30.28.005 shall apply.

(2) Day Care Center:

- (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
- (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.

(3) Dock and Boathouse, Private, Non-commercial: The following standards apply outside of shoreline jurisdiction only. If located within shoreline jurisdiction, the standards in SCC 30.67.515 apply instead.

- (a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;
- (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;
- (c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;
- (d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;
- (e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored; and
- (f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.

(4) Dwelling, Single family: In PCB zones, shall be allowed only if included within the same structure as a commercial establishment. In the MHP zone, single family detached dwellings are limited to one per existing single legal lot of record.

(5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter 30.23A SCC for design standards applicable to townhouse and attached single-family dwelling development.

(6) Dwelling, Mobile Home:

- (a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire body length;
- (b) Shall be constructed with a non-metallic type, pitched roof;
- (c) Except where the base of the mobile home is flush to ground level, shall be installed either with:
 - (i) skirting material which is compatible with the siding of the mobile home; or
 - (ii) a perimeter masonry foundation;
- (d) Shall have the wheels and tongue removed; and
- (e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.

- (7) Fallout Shelter, Joint, by two or more property owners:
Side and rear yard requirements may be waived by the department along the boundaries lying between the properties involved with the proposal, and zone; provided that its function as a shelter is not impaired.
- (8) Family Day Care Home:
(a) No play yards or equipment shall be located in any required setback from a street; and
(b) Outdoor play areas shall be fenced or otherwise controlled.
- (9) Farm Stand:
(a) There shall be only one stand on each lot; and
(b) At least 50 percent by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75 percent by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington.
- (10) Farm Worker Dwelling:
(a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation;
(b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation;
(c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided; and
(d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.
- (11) Home Occupation: See SCC 30.28.050.
- (12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.
- (13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals.
- (14) Parks, Publicly-owned and Operated:
(a) No bleachers are permitted if the site is less than five acres in size;
(b) All lighting shall be shielded to protect adjacent properties; and
(c) No amusement devices for hire are permitted.
- (15) Boarding House: There shall be accommodations for no more than two persons.
- (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord. 04-010 effective March 15, 2004)
- (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants and guests:
(a) No part of the pool shall project more than one foot above the adjoining ground level in a required setback; and
(b) The pool shall be enclosed with a fence not less than four feet high, of sufficient design and strength to keep out children.
- (18) Temporary Dwelling for a Relative:

- (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the occupant(s) of the permanent dwelling;
- (b) The relative must receive from, or administer to, the occupant of the other dwelling continuous care and assistance necessitated by advanced age or infirmity;
- (c) The need for such continuous care and assistance shall be attested to in writing by a licensed physician;
- (d) The temporary dwelling shall be occupied by not more than two persons;
- (e) Use as a commercial rental unit shall be prohibited;
- (f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling;
- (g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish County auditor and a copy of the recorded document submitted to the department for inclusion in the permit file;
- (h) Adequate screening, landscaping, or other measures shall be provided pursuant to SCC 30.25.028 to protect surrounding property values and ensure compatibility with the immediate neighborhood;
- (i) An annual renewal of the temporary dwelling permit, together with recertification of need, shall be accomplished by the applicant through the department in the same month of each year in which the initial mobile home/building permit was issued;
- (j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish County auditor; and
- (k) Only one temporary dwelling may be established on a lot. The temporary dwelling shall not be located on a lot on which a detached accessory apartment is located.
- (19) Recreational Vehicle:
- (a) There shall be no more than one per lot;
- (b) Shall not be placed on a single site for more than 180 days in any 12-month period; and
- (c) Shall be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1st through March 30th) with the following exceptions:
- (i) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;
- (ii) Temporary overnight use by farm workers on the farm where they are employed subject to subsections (19)(a) and (b) of this section; and
- (iii) Subject to subsections (19)(a) and (b) of this section, temporary overnight use in a mobile home park, which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the department of emergency management and department of planning and development services.
- (20) Ultralight Airpark:
- (a) Applicant shall submit a plan for the ultralight airpark showing the location of all buildings, ground circulation, and parking areas, common flight patterns, and arrival and departure routes;
- (b) Applicant shall describe in writing the types of activities, events, and flight operations which are expected to occur at the airpark; and
- (c) Approval shall be dependent upon a determination by the county decision maker that all potential impacts such as noise, safety hazards, sanitation, traffic, and parking are compatible with the site and neighboring land uses, particularly those involving residential

uses or livestock or small animal husbandry; and further that the proposed use can comply with Federal Aviation Administration regulations (FAR Part 103), which state that ultralight vehicle operations will not:

- (i) create a hazard for other persons or property;
- (ii) occur between sunset and sunrise;
- (iii) occur over any substantially developed area of a city, town, or settlement, particularly over residential areas or over any open air assembly of people; or
- (iv) occur in an airport traffic area, control zone, terminal control area, or positive control area without prior authorization of the airport manager with jurisdiction.

(21) Craft Shop:

- (a) Articles shall not be manufactured by chemical processes;
- (b) No more than three persons shall be employed at any one time in the fabricating, repair, or processing of materials; and
- (c) The aggregate nameplate horsepower rating of all mechanical equipment on the premises shall not exceed two.

(22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-square foot floor area limitation.

(23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all display, storage, and sales activities shall be conducted indoors.

(24) Race Track: The track shall be operated in such a manner so as not to cause offense by reason of noise or vibration beyond the boundaries of the subject property.

(25) Rural Industry:

- (a) The number of employees shall not exceed 10;
- (b) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents, or improvements in the vicinity;
- (c) The owner of the rural industry must reside on the same premises as the rural industry and, in the RD zone, the residence shall be considered as a caretaker's quarters; and
- (d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(26) Sawmill, Shake and Shingle Mill:

- (a) Such uses shall not include the manufacture of finished wood products such as furniture and plywood, but shall include lumber manufacturing;
- (b) The number of employees shall not exceed 25 during any eight-hour work shift;
- (c) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity; and
- (d) Sawmills and shakemills adjacent to a state highway in the RU zone shall provide 25 feet of Type A landscaping as defined in SCC 30.25.017.

(27) Governmental and Utility Structures and Facilities:

Special lot area requirements for this use are contained in SCC 30.23.200.

(28) Excavation and Processing of Minerals:

- (a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones only where these zones coincide with the mineral lands designation in the comprehensive plan (mineral resource overlay or MRO), except for the MC zone where mineral lands designation is not required.

- (b) An Administrative Conditional Use Permit or a Conditional Use Permit is required pursuant to SCC 30.31D.030.
- (c) Excavation and processing of minerals exclusively in conjunction with forest practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry zone.
- (29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).
- (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.
- (31) Boat Launch Facilities, Commercial or Non-commercial:
- (a) The hearing examiner may regulate, among other factors, required launching depth, lengths of existing docks and piers;
 - (b) Off-street parking shall be provided in an amount suitable to the expected usage of the facility. When used by the general public, the guideline should be 32 to 40 spaces capable of accommodating both a car and boat trailer for each ramp lane of boat access to the water;
 - (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided;
 - (d) Pedestrian access to the water separate from the boat launching lane or lanes may be required where it is deemed necessary in the interest of public safety;
 - (e) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare, and health; and
 - (f) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.
- (32) Campground:
- (a) The maximum overall density shall be seven camp or tent sites per acre in Forestry and Recreation (F&R) zoning and two camp or tent sites per acre in Forestry (F) zoning;
 - (b) The minimum site size shall be 10 acres; and
 - (c) Campgrounds in Forestry (F) zoning may not provide utility hookups (e.g. water, electric, sewage) to individual campsites; such hookups are allowed in campgrounds with Forestry and Recreation (F&R) zoning.
- (33) Commercial Vehicle Home Basing:
- (a) The vehicles may be parked and maintained only on the property wherein resides a person who uses them in their business;
 - (b) Two or more vehicles may be so based; and
 - (c) The vehicles shall be in operable conditions.
- (34) Distillation of Alcohol:
- (a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the production of methane from animal waste produced on the premises;
 - (b) Such distillation shall be only one of several products of normal agricultural activities occurring on the premises; and
 - (c) By-products created in this process shall be used for fuel or fertilizer on the premises.
- (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord. 04-010 effective March 15, 2004)
- (36) Mobile Home and Travel Trailer Sales:
- (a) Property shall directly front upon a principal or minor arterial in order to reduce encroachment into the interior of IP designated areas;

- (b) The hearing examiner shall consider the visual and aesthetic characteristics of the use proposal and determine whether nearby business and industrial uses, existing or proposed, would be potentially harmed thereby. A finding of potential incompatibility shall be grounds for denial;
- (c) The conditional use permit shall include a condition requiring mandatory review by the hearing examiner at intervals not to exceed five years for the express purpose of evaluating the continued compatibility of the use with other IP uses. The review required herein is in addition to any review which may be held pursuant to SCC 30.42B.100, 30.42C.100 and 30.43A.100;
- (d) Such use shall not be deemed to be outside storage for the purpose of SCC 30.25.024; and
- (e) Such use shall be temporary until business or industrial development is timely on the site or on nearby IP designated property.
- (37) Small Animal Husbandry: There shall be a five-acre minimum site size.
- (38) Mobile Home Park: Such development must fulfill the requirements of chapter 30.42E SCC.
- (39) Sludge Utilization: See SCC 30.28.085.
- (40) Homestead Parcel: See SCC 30.28.055.
- (41) Special Setback Requirements for this use are contained in SCC 30.23.110 or 30.67.515 if within shoreline jurisdiction.
- (42) In the R-12,500 and WFB zones, the Minimum Lot Size for duplexes shall be one and one-half times the minimum lot size for single family dwellings.
- (43) Petroleum Products and Gas, Bulk Storage:
- (a) All above ground storage tanks shall be located 150 feet from all property lines; and
- (b) Storage tanks below ground shall be located no closer to the property line than a distance equal to the greatest dimensions (diameter, length or height) of the buried tank.
- (44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of seven feet high shall be established and maintained in the LI zone. For requirements for this use, SCC 30.25.020 and 30.25.050 apply.
- (45) Antique Shops: When established as a home occupation as regulated by SCC 30.28.050(1); provided further that all merchandise sold or offered for sale shall be predominantly "antique" and antique-related objects.
- (46) Billboards: See SCC 30.27.080 for specific requirements.
- (47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on three acres or more; a conditional use permit is required on less than three acres.
- (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.
- (49) Restaurants and Personal Service Shops: Located to service principally the constructed industrial park uses.
- (50) Sludge Utilization: A conditional use permit is required for manufacture of materials by a non-governmental agency containing stabilized or digested sludge for a public utilization.
- (51) Single Family and Multifamily Dwellings: A prohibited use, except for the following:
- (a) Existing dwellings that are nonconforming as a result of a county-initiated rezone to BP may make improvements or additions provided such improvements are consistent with the bulk regulations contained in chapter 30.23 SCC; provided further that such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the existing date of the nonconformance; and
- (b) New single family and multifamily dwellings in the BP zone authorized pursuant to the provisions of SCC 30.31A.140.
- (52) Greenhouses, Lath Houses, and Nurseries:

- (a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant husbandry materials is permitted;
- (b) Incidental sale of garden tools and associated gardening accessories shall be permitted; however, the sale of motorized landscaping equipment such as lawn mowers, weed eaters, edgers, and rototillers shall be prohibited;
- (c) There shall be no on-site signs advertising uses other than the principal use; and
- (d) Incidental sales of garden tools and associated gardening accessories shall be less than 25 percent of the sales of products produced in the greenhouse, lath house, or nursery.
- (53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.
- (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction with a livestock auction facility.
- (55) Noise of Machines and Operations in the LI and HI zones shall comply with chapter 10.01 SCC and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
- (56) Sludge Utilization: Only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of SCC 30.28.085.
- (57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC 30.28.095.
- (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC 30.28.020.
- (59) Detached Accessory or Non-Accessory Private Garages and Storage Structures: Subject to the following requirements:
- (a) Special setback requirements for these uses are contained in SCC 30.23.110(20);
- (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not result in glare when viewed from the surrounding property or rights-of-way;
- (c) The following compatibility standards shall apply:
- (i) proposals for development in existing neighborhoods with a well-defined character should be compatible with or complement the highest quality features, architectural character and siting pattern of neighboring buildings. Where there is no discernable pattern, the buildings shall complement the neighborhood. Development of detached private garages and storage structures shall not interrupt the streetscape or dwarf the scale of existing buildings of existing neighborhoods. Applicants may refer to the Residential Development Handbook for Snohomish County Communities to review techniques recommended to achieve neighborhood compatibility;
- (ii) building plans for all proposals larger than 2,400 square feet in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions shall document the use of building materials compatible and consistent with existing on-site residential development exterior finishes;
- (iii) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions, no portion of a detached accessory private garage or storage structure shall extend beyond the building front of the existing single family dwelling, unless screening, landscaping, or other measures are provided to ensure compatibility with adjacent properties; and
- (iv) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions, no portion of a detached non-accessory private garage or storage structure shall extend beyond the building front of existing single family dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the subject property line. When a detached non-accessory private garage or storage structure is proposed, the location of existing dwellings on adjacent properties

located within 10 feet of the subject site property lines shall be shown on the site plan;

(d) All detached accessory or non-accessory private garages and storage structures proposed with building footprints larger than 2,400 square feet shall provide screening or landscaping from adjacent properties pursuant to chapter 30.25 SCC;

(e) On lots less than 10 acres in size having no established residential use, only one non-accessory private garage and one storage structure shall be allowed. On lots 10 acres or larger without a residence where the cumulative square footage of all existing and proposed non-accessory private garages and storage structures is 6,000 square feet or larger, a conditional use permit shall be required.

(f) Where permitted, separation between multiple private garages or storage structures shall be regulated pursuant to subtitle 30.5 SCC.

(60) The cumulative square footage of all detached accessory and non-accessory private garages and storage structures shall not exceed 6,000 square feet on any lot less than five acres, except this provision shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.

(61) Museums: Museums within the agriculture A-10 zone are permitted only in structures which were legally existing on October 31, 1991.

(62) Accessory Apartments: See SCC 30.28.010.

(63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities: See SCC 30.28.090.

(64) RESERVED for future use.

(65) On-Site Hazardous Waste Treatment and Storage Facilities: Allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed; provided that such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(66) An application for a conditional use permit to allow an off-site hazardous waste treatment and storage facility shall demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(67) Adult Entertainment Uses: See SCC 30.28.015.

(68) Special Building Height provisions for this use are contained in SCC 30.23.050(2)(d).

(69) Bakery: In the NB zone, the gross floor area of the use shall not exceed 1,000 square feet and the bakery business shall be primarily retail in nature.

(70) Equestrian Centers: Allowed with a conditional use permit on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

(71) Mini-Equestrian Centers are allowed as a permitted use on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

(72) Equestrian Centers and Mini-equestrian Centers require the following:

- (a) Five-acre minimum site size for a mini-equestrian center;
- (b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center; provided that stabling areas, whether attached or detached, shall not be included in this calculation;
- (c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding properties or rights-of-way;

- (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017 is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties;
- (e) Riding lessons, rentals, or shows shall only occur between 8:00 a.m. and 9:00 p.m.;
- (f) Outside storage, including animal waste storage, and parking areas shall be set back at least 30 feet from any adjacent property line. All structures shall be set back as required in SCC 30.23.110(8); and
- (g) The facility shall comply with all applicable county building, health, and fire code requirements.
- (73) Temporary Residential Sales Coach (TRSC):
- (a) The commercial coach shall be installed in accordance with all applicable provisions within chapter 30.54A SCC;
- (b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-way and five feet from proposed and existing property lines;
- (c) Vehicular access to the temporary residential sales coach shall be approved by the county or state; and
- (d) Temporary residential sales coaches may be permitted in approved preliminary plats, prior to final plat approval, when the following additional conditions have been met:
- (i) plat construction plans have been approved;
 - (ii) the fire marshal has approved the TRSC proposal;
 - (iii) proposed lot lines for the subject lot are marked on site; and
 - (iv) the site has been inspected for TRSC installation to verify compliance with all applicable regulations and plat conditions, and to assure that land disturbing activity, drainage, utilities infrastructure, and native growth protection areas are not adversely affected.
- (74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf course or driving range shall not be allowed. Land disturbing activity shall be limited in order to preserve prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.
- (75) Model Hobby Park: SCC 30.28.060.
- (76) Commercial Retail Uses: Not allowed in the Light Industrial and Industrial Park zones when said zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be served by railway spur lines.
- (77) Studio: Studio uses may require the imposition of special conditions to ensure compatibility with adjacent residential, multiple family, or rural-zoned properties. The hearing examiner may impose such conditions when deemed necessary pursuant to the provisions of chapter 30.42C SCC. The following criteria are provided for hearing examiner consideration when specific circumstances necessitate the imposition of conditions:
- (a) The number of nonresident artists and professionals permitted to use a studio at the same time may be limited to no more than 10 for any lot 200,000 square feet or larger in size, and limited to five for any lot less than 200,000 square feet in size;
 - (b) The hours of facility operation may be limited; and
 - (c) Landscape buffers may be required to visually screen facility structures or outdoor storage areas when the structures or outdoor storage areas are proposed within 100 feet of adjacent residential, multiple family, and rural-zoned properties. The buffer shall be an effective site obscuring screen consistent with Type A landscaping as defined in SCC 30.25.017.
- (78) The gross floor area of the use shall not exceed 1,000 square feet.
- (79) The gross floor area of the use shall not exceed 2,000 square feet.
- (80) The gross floor area of the use shall not exceed 4,000 square feet.

(81) The construction contracting use in the Rural Business zone shall be subject to the following requirements:

(a) The use complies with all of the performance standards required by SCC 30.31F.100 and 30.31F.110;

(b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed and shall be screened in accordance with SCC 30.25.024;

(c) In addition to the provisions of subsection (81)(b) of this section, not more than five commercial vehicles or construction machines shall be stored outdoors and shall be screened in accordance with SCC 30.25.020 and 30.25.032;

(d) The on-site fueling of vehicles shall be prohibited; and

(e) The storage of inoperable vehicles and hazardous or earth materials shall be prohibited.

(82) Manufacturing, Heavy includes the following uses: Distillation of wood, coal, bones, or the manufacture of their by-products; explosives manufacturing; manufacture of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.028.

(83) "All other forms of manufacture not specifically listed" is a category which uses manufacturing workers, as described under the Dictionary of Occupational Titles, published by the US Department of Labor, to produce, assemble or create products and which the director finds consistent with generally accepted practices and performance standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and 30.91M.026.

(84) RESERVED for future use.

(85) A single family dwelling may have only one guesthouse.

(86) Outdoor display or storage of goods and products is prohibited on site.

(87) Wedding Facility:

(a) Such use is permitted only:

(i) on vacant and undeveloped land;

(ii) on developed land, but entirely outside of any permanent structure;

(iii) partially outside of permanent structures and partially inside of one or more permanent structures which were legally existing on January 1, 2001; or

(iv) entirely inside of one or more permanent structures which were legally existing on January 1, 2001;

(b) The applicant shall demonstrate that the following criteria are met with respect to the activities related to the use:

(i) compliance with the noise control provisions of chapter 10.01 SCC;

(ii) adequate vehicular site distance and safe turning movements exist at the access to the site consistent with the EDDS as defined in Title 13 SCC; and

(iii) adequate sanitation facilities are provided on site pursuant to chapter 30.50 SCC and applicable Snohomish Health District provisions;

(c) Adequate on-site parking shall be provided for the use pursuant to SCC 30.26.035; and

(d) A certificate of occupancy shall be obtained pursuant to chapter 30.50 SCC for the use of any existing structure.

(88) Public/Institutional Use Designation (P/IU): When applied to land that is (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall allow only the following permitted or conditional uses: churches, and school instructional

1 facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU
2 designation is changed.

3 (89) Hotel/Motel Uses: Permitted in the Light Industrial zone when the following criteria are met:

4 (a) The Light Industrial zone is located within a municipal airport boundary;

5 (b) The municipal airport boundary includes no less than 1,000 acres of land zoned light
6 industrial; and

7 (c) The hotel/motel use is served by both public water and sewer.

8 (90) Health and Social Service Facilities regulated under this title do not include secure
9 community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC
10 30.91H.095.

11 (a) Snohomish County is preempted from regulation of SCTFs. In accordance with the
12 requirements of state law the county shall take all reasonable steps permitted by chapter
13 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every
14 effort shall be made by the county through the available state procedures to ensure strict
15 compliance with all relevant public safety concerns, such as emergency response time,
16 minimum distances to be maintained by the SCTF from "risk potential" locations,
17 electronic monitoring of individual residents, household security measures and program
18 staffing.

19 (b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from
20 evaluating, commenting on, or proposing public safety measures to the state of
21 Washington in response to a proposed siting of a SCTF in Snohomish County.

22 (c) Nothing herein shall be interpreted to require or authorize the siting of more beds or
23 facilities in Snohomish County than the county is otherwise required to site for its SCTFs
24 pursuant to the requirements of state law.

25 (91) Level II Health and Social Service Uses: Allowed outside the UGA only when the use is not
26 served by public sewer.

27 (92) The area of the shooting range devoted to retail sales of guns, bows, and related
28 equipment shall not exceed one-third of the gross floor area of the shooting range and shall be
29 located within a building or structure.

30 (93) Farmers Market: See SCC 30.28.036.

31 (94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

32 (95) Farmland Enterprise: See SCC 30.28.037.

33 (96) Public Events/Assemblies on Farmland: Such event or assembly shall:

34 (a) Comply with the requirements of SCC 30.53A.800; and

35 (b) Not exceed two events per year. No event shall exceed two weeks in duration.

36 (97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square feet.

37 (98) Recreational Facility Not Otherwise Listed in Ag-10 zone, Forestry (F), or Forestry and
38 Recreation (F&R) zones: See SCC 30.28.076.

39 (99) Farm Stand: See SCC 30.28.039.

40 (100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated riverway
41 commercial farmland, upland commercial farmland or local commercial farmland in the
42 comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not
43 designated riverway commercial farmland, upland commercial farmland or local commercial
44 farmland in the comprehensive plan.

45 (101) Farmers Market: Allowed as a Permitted Use (P) when sited on land designated riverway
46 commercial farmland, upland commercial farmland or local commercial farmland in the
47 comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not
48 designated riverway commercial farmland, upland commercial farmland or local commercial
49 farmland in the comprehensive plan.

- 1 (102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an
2 active public transportation route at the time of permitting.
- 3 (103) All community facilities for juveniles shall meet the performance standards set forth in
4 SCC 30.28.025.
- 5 (104) Personal Wireless Telecommunications Service Facilities: See chapter 30.28A SCC and
6 landscaping standards in SCC 30.25.025.
- 7 (105) Personal wireless telecommunications service facilities are subject to a building permit
8 pursuant to SCC 30.28A.030 and the development standards set forth in chapter 30.28A SCC
9 and landscaping standards in SCC 30.25.025.
- 10 (106) A building permit only is required for facilities co-locating on existing utility poles, towers,
11 and/or antennas unless otherwise specified in chapter 30.28A SCC.
- 12 (107) Agricultural Composting Requirements:
- 13 (a) On-farm site agricultural composting operations that comply with the requirements
14 established in this section are allowed in the A-10 zone. These composting facilities and
15 operations shall be constructed and operated in compliance with all applicable federal,
16 state and local laws, statutes, rules and regulations. The Nutrient Management Plan
17 portion of the farm's Snohomish Conservation District Farm Plan or any other established
18 nutrient management plan must be on file with the department when any application for a
19 land use permit or approval is submitted to the department for the development of an
20 agricultural composting facility. Farm site agricultural composting operations shall also
21 comply with the following criteria:
- 22 (i) The composting operation shall be limited to 10 percent of the total farm site area;
23 (ii) At least 50 percent of the composted materials shall be agricultural waste;
24 (iii) At least 10 percent of the agricultural wastes must be generated on the farm site;
25 (iv) A maximum of 500 cubic yards of unsuitable incidental materials accumulated in
26 the agricultural waste such as rock, asphalt, or concrete over three inches in size
27 may be stored at the farm composting facility until its proper removal. All incidental
28 materials must be removed from the site yearly; and
29 (v) A minimum of 10 percent of the total volume of the finished compost produced
30 annually shall be spread on the farm site annually.
- 31 (b) In all other zones except A-10 where agriculture is a permitted use, incidental
32 agricultural composting of agricultural waste generated on a farm site is permitted. The
33 agricultural composting facility shall be constructed and operated in compliance with all
34 applicable federal, state and local laws, statutes, rules and regulations. The Nutrient
35 Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any
36 other established nutrient management plan must be on file with the department when any
37 permit application is submitted to the department for the development of an agricultural
38 composting facility.
- 39 (108) RESERVED for future use. (Urban Center Demonstration Program projects - DELETED
40 by Ord. 09-079)
- 41 (109) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use
42 permit on Forestry and Recreation (F&R) zoned property designated Forest on the
43 comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix
44 on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080
45 and 30.28.086 and other applicable county codes.
- 46 (110) RESERVED for future use.
- 47 (111) RESERVED for future use.
- 48 (112) RESERVED for future use. (Transfer of Development Rights receiving area overlay -
49 DELETED by Amended Ord. 13-064)

1 (113) Privately Operated Motocross Racetracks: Allowed by conditional use permit, and are
2 regulated pursuant to SCC 30.28.100 and 30.28.105, and other applicable county codes.
3 Motocross racetracks are allowed in the Forestry and Recreation (F&R) zone only on
4 commercial forest lands.

5 (114) New AM Radio Towers are prohibited. AM radio towers either constructed before October
6 13, 2010, or with complete applications for all permits and approvals required for construction
7 before October 13, 2010, shall not be considered nonconforming uses and they may be
8 repaired, replaced, and reconfigured as to the number and dimensions of towers so long as the
9 repair, replacement, or reconfiguration occurs on the parcel where the tower was originally
10 constructed or permitted and it does not increase the number of AM radio towers constructed on
11 the parcel.

12 (115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO). Public
13 park is a permitted use on reclaimed portions of mineral excavation sites with the MRO.

14 (116) See cottage housing design standard requirements in chapter 30.41G SCC.

15 (117) RESERVED for future use.

16 (118) RESERVED for future use.

17 (119) Only building mounted personal wireless communications facilities shall be permitted.

18 (120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-Ride Lot.

19 (121) Permitted as an incidental use with a permitted use, conditional use or administrative
20 conditional use.

21 (122) Products or merchandise offered for sale or storage by a business may be located
22 outdoors; provided, that:

23 (a) The area occupied by the display shall not exceed 500 square feet; and
24 (b) Public sidewalks shall not be enclosed as space for sales or storage by fencing or
25 other means that effectively limits public use of the sidewalk.

26 (123) Such uses, except those as provided for in SCC 30.34A.010(4)(d), are permitted only in
27 structures which are legally existing on May 29, 2010. Such uses, except those as provided for
28 in SCC 30.34A.010(4)(d), shall also comply with subsection (122) of this section.

29 (124) The minimum lot size for marijuana related facilities is 100,000 square feet. Marijuana
30 production and marijuana processing are allowed indoors and outdoors, including in
31 greenhouses and other structures pursuant to chapter 314-55 WAC. In the A-10 zone,
32 marijuana uses shall be subject to the same regulations that apply to agricultural uses and not
33 subject to any more restrictive regulations except as specifically provided in this title and in state
34 law. Marijuana processing is only allowed when there is a marijuana production facility on site.
35 Marijuana facilities are subject to special setbacks pursuant to SCC 30.23.110(28).

36 (125) Marijuana production and processing is permitted indoors only; no outdoor production or
37 processing is allowed.

38 (126) RESERVED for future use.

39 (127) Campgrounds and Recreational Facilities Not Otherwise Listed are not allowed on land
40 designated Local Forest in the comprehensive plan.

41 (128) Development applications for all non-tribally owned, fee-simple properties designated
42 Reservation Commercial on the Snohomish County Future Land Use Map must include an
43 archaeology site report pursuant to SCC 30.32D.200(3)(b) or relocate the project to avoid
44 impacts to any archaeological resources.

45 (129) Development within an airport compatibility area is subject to the requirements of chapter
46 30.32E SCC.

47 (130) On land designated as riverway commercial farmland, upland commercial farmland or
48 local commercial farmland or land zoned A-10 the following additional requirements apply:

- (a) the applicant must demonstrate that the use is incidental to the primary use of the site for agricultural purposes and supports, promotes or sustains agricultural operations and production;
- (b) the use must be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties;
- (c) the use and all activities and structures related to the use must be consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site;
- (d) the use and all activities and structures related to the use must be located within the general area of the property that is already developed for buildings and residential uses;
- (e) where the property is less than 10 acres in size, the use and all structures and activities related to the use shall not convert more than 10 percent of agricultural land to nonagricultural uses;
- (f) where the property is 10 acres in size or more, the use and all structures and activities related to the use shall not convert more than one acre of agricultural land to nonagricultural uses; and
- (g) any land disturbing activity required to support the use shall be limited to preserve prime farmland.

The provisions of subsections (130)(a) through (f) of this section do not apply to any land under ownership or acquired before May 24, 2015, by any local, county, regional, or state agency for recreation, public park and/or trail purposes. Any new development, alterations or reconstruction on these properties shall meet subsection (130)(g) of this section and the requirements of the A-10 zone. All buildings and parking areas shall be set back a minimum of 50 feet from the property boundaries. If the park or trail use produces adverse conditions that will unduly affect an adjacent agricultural use, the director may impose a larger setback to alleviate the effects of such adverse conditions, which include but are not limited to noise, vibration, dust, and light.

(131) Marijuana-related facilities are prohibited within the exterior boundaries of the Tulalip Indian Reservation.

(132) Marijuana Retail: See SCC 30.28.120

Section 9. A new section is added to Chapter 30.28 of the Snohomish County Code to read:

30.28.120 Marijuana Retail Requirements

(1) A marijuana retail use shall not be located within one thousand feet of the perimeter of the grounds of any primary or secondary school or any property owned by a school district and identified in a six-year capital facility plan for construction of a primary or secondary school.

(2) A marijuana retail use shall not be located within two thousand five hundred feet of another marijuana retail use. Compliance with this separation requirement shall be determined by measuring the distance horizontally following the shortest straight line from the property line where a state-licensed marijuana retailer is located to the property line of any property, regardless of jurisdiction, where another state-licensed marijuana retailer is located.

- (a) Legal nonconforming marijuana retail uses in existence on or before June 21, 2016, are exempt from this separation requirement.

- 1 (b) An application for a marijuana retail use submitted to the county after [the effective
2 date of this ordinance] is exempt from this separation requirement when the following
3 conditions have been met:
- 4 i. The county received a Notice of Marijuana License Application for that
5 location, site, or tax parcel from the Washington State Liquor and Cannabis
6 Board on or before June 21, 2016, and the county did not issue a written
7 objection to the Notice of Marijuana License Application; and
 - 8 ii. No marijuana retail use existed on the site proposed in the application for a
9 marijuana retail use to the county at any time between June 22, 2016, and
10 [the effective date of this ordinance].
- 11 (c) An application for a marijuana retail use submitted to the county after [the effective
12 date of this ordinance] is exempt from this separation requirement when the following
13 conditions have been met:
- 14 i. The applicant owned real property that included the site proposed in the
15 application or signed a lease for the site proposed in the application on or
16 before June 21, 2016; and
 - 17 ii. The applicant previously operated a medical marijuana collective within the
18 county; and
 - 19 iii. No marijuana retail use existed on the site proposed in the application for a
20 marijuana retail use to the county at any time between June 22, 2016, and
21 [the effective date of this ordinance].
- 22

23 (3) No more than thirty-two state-licensed marijuana retail facilities shall be allowed in
24 unincorporated Snohomish County.

25

26 Section 10. Snohomish County Code Section 30.34A.180, last Amended by Amended
27 Ord. 13-007, Sep. 11, 2013, Eff date Oct. 3, 2013, is amended to read:

28

29 This section establishes the review processes to be utilized for any development application
30 subject to the requirements of this chapter. Applicants are encouraged to work cooperatively
31 with the city and/or town in whose urban growth area or MUGA the proposed development will
32 be located.

33

34 (1) The following applications shall be reviewed pursuant to chapter 30.71 SCC:

35

36 (a) Minor development activities pursuant to SCC 30.34A.025; and

37

38 (b) The expansion of an existing structure containing a permitted use pursuant to SCC
39 30.34A.026.

40

41 (2) Development applications not meeting subsection (1) of this section, shall be reviewed
42 pursuant to chapter 30.72 SCC, except as follows:

43

44 (a) Following the public comment period pursuant to SCC 30.70.060, at least one
45 meeting shall be held to review comments on the development application. This meeting
46 shall include the:

47

(i) Department;

(ii) Applicant; and

(iii) City and/or town in whose urban growth area or MUGA the proposed development will be located and any city or town whose municipal boundaries border the proposed urban center development application.

(b) The city and/or town and applicant may mutually agree in writing to waive the one meeting requirement in subsection (2)(a) of this section.

(c) Any changes agreed to by the department, city and/or town and applicant shall be:

(i) Consistent with county code;

(ii) Incorporated into the design of the development; and

(iii) Incorporated into the staff recommendation as conditions on the development.

(d) All comments from the city and/or town shall be included in the staff report to the hearing examiner for a Type 2 application.

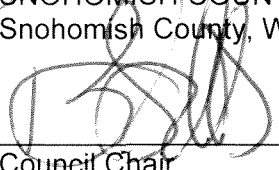
(e) Applications that include low-income housing shall be given priority for expedited plan review as authorized in SCC 30.76.020 and SCC 30.76.030.

(3) Marijuana retail in the UC zone shall require a conditional use permit and shall be reviewed under chapter 30.72 SCC.

Section 11. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 15th day of February, 2017.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Council Chair

D-11


1 ATTEST:

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3 _____
4 Clerk of the Council

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6 ☒ APPROVED
7 ☐ EMERGENCY
8 ☐ VETOED

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DATE: 3/3/17



County Executive

ATTEST:



Cora E. Palmer

Approved as to form only:

Deputy Prosecuting Attorney

D-11